

REMARKS

In response to the final Office Action of November 9, 2011, no claims have been amended.

Claim Rejections- 35 U.S.C. 103

At page 3 of the Office Action, claims 1-4, 6-11, 13-27, 29-30 and 32-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. 5,623,613, hereinafter Rowe) in view of Nowlan et al. (U.S. 6,169,538, hereinafter Nowlan).

With respect to claim 1, it is asserted that Rowe teaches the invention as claimed, except that it fails to teach “simultaneously displaying a magnified version of the active selection element along with at least one auxiliary element and at least a magnified version of at least a portion of a selection element adjacent the active selection element.” However, it is asserted that this feature is taught by Nowlan, and that it would have been obvious to combine these teachings to arrive at the claimed invention. Applicants respectfully disagree.

In previous amendment that was filed on August 25, 2011, claim 1 was amended to recite the at least one auxiliary element displays “a non-navigational selectable function.” In the present Office Action, it is asserted that the “at least one auxiliary element is shown by the four arrows around the “Sport” element in Figure 6. Thus, it is clear that what is being asserted to disclose the “at least one auxiliary element” is used for navigating.

However, the Office has also asserted that “program tile 66” of Rowe teaches that the at least one auxiliary element displays a non-navigational selectable function, despite the fact that “program tile 66” is distinct from the navigation arrows asserted to teach the “at least one auxiliary element”. The Office has therefore not shown that Rowe suggests “at least one auxiliary element” displays a non-navigational selectable function, because the asserted “at least one auxiliary element” clearly does not display a non-navigational selectable function, and the Office has merely asserted that a different feature of Rowe suggests a “non-navigational selectable function.

Furthermore, it is asserted that although Rowe does not teach simultaneously displaying the magnified version of the active selection element and at least a magnified version of at least a portion of a selection element adjacent the active selection element, it would have been obvious to modify Rowe in view of Nowlan to include these features. However, applicant respectfully submits that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine these references. The asserted motivation for combining the references provided on page 4 of the Office Action is “to save an extra user input for the user”, but in the context of Rowe, such a motivation would not make sense for a person having ordinary skill in the art. The “plurality of selection elements” is asserted to correspond to the column in Rowe including “Sports”, “Special”, “Shopping”, etc. These are listed alphabetically in a vertical column, and the user “selects” one of them by moving the “focus frame” (60) over the specific category, and the focus frame is moved using the up/down arrows (67) (See Rowe, column 3, lines 49-55). Thus, regardless of whether or not “Special”, for example, is magnified, the user input required to go from “Sports” to “Special” would not change, as the user is moving the frame up one spot. Therefore, there would not be any extra user input saved by magnifying at least a portion of another “selection element”. A person of ordinary skill in the art would not therefore consider modifying Rowe in the manner asserted by the Office in order to reduce the number of user inputs.

Furthermore, even considering beyond the Office’s asserted motivation for combining the two references, it would not have been obvious to have combined Rowe and Nowlan to arrive at the claimed invention. The Office has asserted that highlighting a tile with the focus frame corresponds to “magnifying” in the claimed invention. If a person were to modify Rowe as suggested by the Office, when the “Sport” tile is highlighted by the focus frame, it would result in the “Special” tile also being highlighted by the focus frame. However, to a person of ordinary skill in the art such an outcome would not make sense because the entire purpose of the “focus frame” in Rowe is to “highlight information supplied by the tile selected by the user by ‘framing’ the tile, and supplies a visual cue to the user that the display associated with the framed tile can be controlled” (Rowe, column 3, lines 45-48). If more than one tile is highlighted by focus frames, then the user will be provided with multiple “visual cues” and will be confused as

to which of the highlighted tiles is associated with the rest of the display. Additionally, because the user controls the category display by “mov[ing] the focus frame along the viewing panel to a position on the category display”, it would also make it substantially more confusing for the user to control the category display, as there are at least two focus frames moving and the user would have to discern which of the multiple focus frames is the one controlling the display (Rowe, column 3, lines 41-45). There would also be no perceivable benefit to making such a modification. Therefore, Rowe teaches away from modifying its disclosure to include simultaneously displaying a magnified version of the active selection element along with at least a magnified version of at least a portion of a selection element adjacent the active selection element. As a result, it would not have been obvious to a person having ordinary skill in the art to have combined Rowe with Nowlan, as asserted by the Office, to arrive at the invention of claim 1.

Therefore, because Rowe and Nowlan fail to teach or suggest the features of claim 1 as amended, and it would not have been , it is respectfully submitted that the claim is non-obvious and in allowable form.

Because independent claims 11, 19, 21, 24, 26, 30 and 40 comprise features similar to those in claim 1, it is respectfully submitted that these claims are also non-obvious and in allowable form.

At least in view of their dependency on the independent claims, it is respectfully submitted that claims 2-4, 6, 8-10, 13-18, 20, 25, 27, 29, 32-39 and 41-45 are also non-obvious and in allowable form.

Applicants further note that several of the rejections of claims dependent from independent claim 1 are inconsistent with the rejections of claim 1. As noted above, it is asserted that “the at least one auxiliary element” is taught by the arrows around the “Sport” element and the “selectable function” (that is non-navigational) is taught by program tile 66, which applicants have noted is itself inconsistent. In the rejection of dependent claim 6, it is asserted that “the at least one auxiliary element” in claim 6 is shown by the “Basketball” tile, which is another entirely separate element from either of the elements referred to in the claim 1 rejection. In the rejection of claim 8, it is asserted that the (non-navigational) “selectable function” are disclosed by the arrows surrounding

the "Sport" element. Aside from the fact that applicants respectfully submit that these arrows are not a "non-navigational selectable function", this assertion in the rejection of claim is also different from the rejection of claim 1, where it is asserted that this feature is taught by "program tile 66".

There is also inconsistency in the rejections of claims 9 and 10. In the rejection of claim 9, it is asserted that "the at least one auxiliary element being located close to an identifier of the active selection element" is shown in Figure 6 of Rowe, with the right arrow being close to the identifier of the "active selection element", but in the rejection of claim 10, it is asserted that the arrow icon is the identifier of the active selection element.

Therefore, in view of the inconsistencies of the different assertions presented in the rejections of the independent and dependent claims, it is further respectfully submitted that the Office has failed to establish that the inventions of the dependent claims are also obvious in view of the cited references.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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